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| 10/701,406      | 11/04/2003  | Koji Mizuno          | SANA:003            | 6364             |

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EXAMINER

WHITE, RODNEY BARNETT

|          |              |
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| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/701,406

Applicant(s)

MIZUNO ET AL.

Examiner

Rodney B. White

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-17 is/are rejected.
- 7) ☒ Claim(s) 3 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/4/03 and 7/7/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: On line 10, it appears the word -- an -- should be inserted after the word "formed" and in front of the word "opening". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-12 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 4, Applicant defines a "cam, fixed on the seat frame". Is the Applicant claiming his "under- seat compartment mechanism" in combination with the "seat-frame"? In claim 1, Applicant claims "vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame" and therefore is not positively claiming the "seat" or the "seat-frame". But when he defines that "cam" as being "fixed on the seat-frame" he is bringing the "seat-frame into the invention after initially claiming the "compartment mechanism" in claim 1. Either he needs to delete the

Art Unit: 3636

word "for" in claim 1, line 2, or change the language in claim 4 to read - - a cam to be fixed on the seat-frame - or similar acceptable language. Or he should possibly re-define his invention as - - vehicle seat - - instead of a "vehicular under-seat mechanism"

In claim 6, line 3, "the back face of the seat cushion" lacks antecedent basis.

Again, in claim 9, Applicant uses the phrase "a cam, fixed on the seat-frame" which reads as if the Applicant is now positively claiming the "seat-frame" or is claiming his invention in combination with the "compartment mechanism".

In claim 10, line 3, "the back face" lacks antecedent basis.

In claim 12, line 3, "the back face" lacks antecedent basis.

In claim 14, line 3, "the back face" lacks antecedent basis.

The aforementioned problems render the claims vague and indefinite.

Clarification and/or correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (U.S. Patent No. 720,776).

Bennett teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **c** disposed on the seat-frame, said mechanism comprising: a hinge mechanism **e** and other parts that work with it interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **b** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism, integrated with said hinge mechanism, for locking the seat-cushion at an upright position (See page 1, lines 95-100 and page 2, 1-8) , at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism (See page 2, lines 8-26).

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by James (U.S. Patent No. 1,077,199).

James teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **17** disposed on the seat-frame, said mechanism comprising: a hinge mechanism **18** and other parts that work with it interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment , which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (see page 2, lines 46-48) , at which the seat-cushion

is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Markwick (U.S. Patent No. 1,309,097).

Markwick teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **3** disposed on the seat-frame, said mechanism comprising: a hinge mechanism **9,10** and other parts that work with them such as **13,14** interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **1** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (See lines 62-82) , at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism (See page lines 83-89).

Claims 1-2 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Radke et al (U.S. Patent No. 3,336,077).

Radke teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **14** disposed on

Art Unit: 3636

the seat-frame, said mechanism comprising: a hinge mechanism **15** interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **10** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (See column 2, lines 43-45) , at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism, and an inner lid **12** disposed between the seat cushion and the compartment for covering the opening of the compartment.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al (U.S. Patent No. 5,584,530).

Rogers et al teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **70** disposed on the seat-frame, said mechanism comprising: a hinge mechanism **30,30a** and other parts that work with it interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **20** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (See specification) , at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said

Art Unit: 3636

compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism (See specification).

Claims 1-2 , 13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman et al (U.S. Patent No. 5,597,199).

Hoffman et al teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **16,17** disposed on the seat-frame, said mechanism comprising: a hinge mechanism **30,30a** and other parts that work with it interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **11** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (See specification) , at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism (See specification), and an inner lid **110** disposed between the seat cushion and the compartment for covering the opening of the compartment, and extra wall **120** projecting up from an edge of the opening of the compartment along with the edge of the opening.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Menne (U.S. Patent No. 5,622,404).



Menne teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **40** disposed on the seat-frame, said mechanism comprising: a hinge mechanism **50** and other parts that work with it interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **28** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (See specification), at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism (See specification).

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (UK Patent No. GB 2 316 608 A).

Hoffman et al teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion **12** disposed on the seat-frame, said mechanism comprising: a hinge mechanism **30,30** and other parts that work with it interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **14** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (see page 3, lines 11-14)

Art Unit: 3636

at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism (See page 3, lines 11-14).

Claims 1-2 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al (U.S. Patent No. 6,161,896).

Johnson et al teaches the structure of a vehicular under-seat compartment mechanism for utilizing space under a seat having a seat-frame and a seat-cushion disposed on the seat-frame, said mechanism comprising: a hinge mechanism **50** and other parts that work with it interconnecting the seat-frame and the seat-cushion in such a manner that the seat-cushion is pivotally rotatable with respect to the seat-frame; a compartment **28** which is disposed in the under-seat space under the seat and is formed an opening upwardly, and a lock mechanism integrated with said hinge mechanism, for locking the seat-cushion at an upright position (See column 5, lines 11-14), at which the seat-cushion is pivotally flipped up about said hinge mechanism so that said compartment is accessible, further comprising a release mechanism for releasing the locking of the seat-cushion by said lock mechanism, and an inner lid disposed between the seat cushion and the compartment for covering the opening of the compartment.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Akihiro et al (JP 7052715).

Smith teaches the structure substantially as claimed but does not teach the seat-hook and inner lid strap as defined in claim 12. However, Akihiro et al teaches such arrangement to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the seat, as taught by Smith, to include the seat-hook and inner lid strap as taught by Akihiro et al, since it would make flipping the seat cushion to gain access to the compartment below it much easier and quicker.

Claims 3 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-11 and 14-16, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Manguine, Ordway, Riehm, Leff, Singh et al, Swanson et al,

Demick et al Spykerman, Newman, Gasser, Pearse et al, Hofmann et al, Godbersen et al, Hecht et al, Lucas, Jr., Rauauskas, Rowe, Benedict et al, Walter et al, Gleitsman, Mende, Baum, Kleinsmith, Forti, Hagadorn, Reguitti, Harp, and Thompson et al teach structures similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art unit 3636  
August 9, 2004

  
